

REMARKS

The Office Action of June 22, 2004 was received and carefully reviewed. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 1-39 were pending prior to the instant amendment. By this amendment, Applicant has canceled claims 26-29 since these claims are identical to claims 22-25. Consequently, claims 1-25 and 30-39 are currently pending in the instant application.

Claims 1, 3-7, 9-12, 14-22, 24-26, 28-31 and 34-39 are rejected under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9, 11-17, 19-25, 27-33 and 35 of U.S. Patent No. 6,271,101 B1 of Fukunaga.

Claims 2, 8, 13, 23, 27, 32 and 33 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over 1-9, 11-17, 19-25, 27-33 and 35 of U.S. Patent No. 6,271,101 B1 of Fukunaga in view of Wolf, V. II, pp. 238-9.

Claims 1-39 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6, 8-14, 16-20, 22-30, 32-37, 39-56 and 59-60 of U.S. Patent No. 6,602,761 B1 of Fukunaga.

In order to overcome the above rejections, applicant hereby submits a Terminal Disclaimer.

In view of the foregoing, it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 1-25 and 30-39 be allowed and that the application be passed to issue. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,



Jeffrey L. Costellia
Registration No. 35,483

NIXON PEABODY LLP
Suite 900, 401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000